HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : **HON'BLE SHRI S.R. NAYAK, C.J.**
HON'BLE SHRI D.R. DESHMUKH, J.

WRIT PETITION NO.738 OF 2006

PETITIONER

S.L. Sonkar
S/o Late Shri Bansi Ram Sonkar,
Aged around 61 years,
Retired Guard, S.E.C.Rly-Manendragarh, Resident at : Behind Railway School, Chanvaridand, Near Shakar Mandir,
Manendragarh
District : Korba (CG).

Versus

RESPONDENTS

1. Union of India,
Through : The Secretary,
Ministry of Railways,
Rail Bhavan, New Delhi.
2. The General Manager,
South Eastern Central Railway,
Bilaspur Zone, G.M. Office,
Bilaspur (CG).
3. The Sr. Divisional Operating Manager, South Eastern Central Railway, Bilaspur Division, Bilaspur (CG).
4. The Sr. Divisional Personal Officer, South Eastern Central Railway, Bilaspur Division, DPO. Office, Bilaspur (CG).
5. The Registrar,
Central Administrative Tribunal,
Caravs Building, South Civil Lines,
Jabalpur (M.P.)

Present : Shri B.P. Rao, learned counsel for the petitioner.
Ms. Samata Jain, learned counsel for the respondents.

(ORAL ORDER)
(Passed on 14th February, 2006)

The following order of the Court was passed by

S.R. Nayak, C.J.

The petitioner was decategorized on the basis of a medical report dated 15.03.2000 and vide order dated 30.08.2000, he was offered alternative employment as Head Control Clerk at Bilaspur in the pay-scale of Rs.5000-8000/-. He refused the alternative employment. Later, he sought voluntary retirement and in pursuance of that request, he was retired w.e.f.11.09.2001. When the matter stood thus, the petitioner raised a demand before the department that he should paid salary for the period from 15.03.2000 to 11.09.2001. His request was turned down by the department. Hence, the petitioner instituted O.A. No.565/2004 before the Central Administrative Tribunal, Jabalpur Bench, Jabalpur (for short ' the Tribunal'). The Tribunal having opined that since the petitioner refused to accept the alternative employment offered by the department and admittedly he was decategorized on 15.03.2000, he is not entitled to pay and admissible allowances for the period between 15.03.2000 and 11.09.2001. The view taken by the Tribunal, in our considered opinion, is unexceptionable. Since the petitioner was decategorized on medical ground, there was no question of petitioner being continued in the same post which he had earlier held after 15.03.2000 and since admittedly the petitioner refused to accept alternative employment offered by the department as Head Control Clerk at Bilaspur in the pay-scale of Rs.5000-8000/-, he is not entitled to pay and admissible allowances during the interregnum period of 15.03.2000 and 11.09.2001. The writ petition is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

siabba